

Message Text

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ACTION EB-07

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CAPE TOWN FOR EMBASSY

E.O. 11652: N/A
TAGS: ESTC, BEXP, EGEN, ETDR, SF
SUBJECT: COMMERCIAL PROGRAM: EXPORT ADMINISTRATION (OEA): IBM
REPORTS NEW REQUIREMENT FOR CONSIGNEE/S STATEMENT WITH RESPECT TO
BANTU AFFAIRS DEPT.

REF: A) JOHANNESBURG 2314, B) STATE 311791

1. JACK CLARKE, MANAGING DIRECTOR IBM (SOUTH AFRICA) CALLED
CONGEN TODAY TO INFORM US OF THE FOLLOWING TELEX RECEIVED
FROM US GOVERNMENT AFFAIRS OFFICE: QUOTE THE OFFICE OF EXPORT
ADMINISTRATION HAS ON FILE A CERTIFICATION FROM YOUR CONSIGNEE/S
IN THE REPUBLIC OF SOUTH AFRICA OR NAMIBIA/SOUTH WEST AFRICA/
CONCERNING RESTRICTIONS ON THE SALE OF COMPUTERS AND COMPUTER
RELATED PARTS AND ACCESSORIES, UNDER THE SUBJECT PROCEDURE.
IT IS NECESSARY TO EXTEND THE ASSURANCE TO THE MINISTRY OF
BANTU AFFAIRS. WILL YOU THEREFORE ASK YOUR APPROVED CONSIGNEE/S
TO SUBMIT THE FOLLOWING AMENDED CERTIFICATION AND FORWARD
IT TO US: SALES WITHIN THE REPUBLIC OF SOUTH AFRICA OR
NAMIBIA/SOUTH WEST AFRICA/ OF GOODS RECEIVED UNDER THE
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DISTRIBUTION LICENSE WILL NOT BE MADE TO ANY MILITARY OR
POLICE ENTITY, TO THE MINISTRY OF BANTU AFFAIRS, TO THE
SOUTH AFRICAN ATOMIC ENERGY BOARD, OR TO ANY OTHER ENTITY
WHERE IT IS KNOWN OR BELIEVED THAT THE COMMODITIES WILL
BE USED DIRECTLY OR INDIRECTLY FOR URANIUM ENRICHMENT
ACTIVITIES. SUCH SALES WILL BE MADE THE OBJECT OF
INDIVIDUALS REQUESTS TO THE DEPARTMENT OF COMMERCE FOR

EXPORT AUTHORIZATION. IN THE MEANTIME YOUR CONSIGNEE/S MAY CONTINUE SELLING WITHIN THE REPUBLIC OF SOUTH AFRICA OR NAMIBIA/SOUTH WEST AFRICA TO OTHER CUSTOMERS SUBJECT TO THE RESTRICTIONS IN THE CERTIFICATION CURRENTLY ON FILE. HOWEVER, AS TO THE PRECISE IDENTIFICATION OF THE END-USE AND SITE OF INSTALLATION, MUST BE SUBMITTED TO THIS OFFICE FOR CONSIDERATION COVERING ALL SALES TO THE MINISTRY OF BANTU AFFAIRS. WITH REFERENCE TO EARLIER PROVISIOS OF THE CERTIFICATION, DELIVERIES TO THE URANIUM CORPORATION ARE CAUGHT BY THE RESTRICTION, AS WOULD BE APPARENT TO ANY PARTY. YOUR ATTENTION IS CALLED TO THE FACT THAT AT LEAST ONE ACRONYM FOR THIS ENTITY EXISTS UCOR, WHICH IS NOT SO APPARENT. YOU MAY WISH TO PASS THIS INFORMATION ON TO YOUR CONSIGNEE/S. UNQUOTE

2. CLARKE SAYS THAT THIS HAS HIT IBM HERE "LIKE A TON OF BRICKS" AND THAT, ALTHOUGH IBM IS NOT NOW A SUBSTANTIAL SUPPLIER TO THE BANTU AFFAIRS DEPARTMENT (BAD) IT WILL CERTAINLY BE APPLICABLE TO OTHER US COMPUTER, COMPUTER PERIPHERAL AND RELATED EQUIPMENT SUPPLIES AND THAT WHEN THIS "HITS THE PRES, THE STORIES IN THE CITIZEN (SEE JOHANNESBURG'S 1491, 1516, 1517, AND 1528) WILL BE NOTHING COMPARED TO WHAT WILL BE COVERED IN ALL OF THE SOUTH AFRICAN PRESS AND THAT US COMPUTER FIRMS CAN KISS ALL SOUTH AFRICAN GOVERNMENT BUSINESS GOOD BYE."

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3. COMMENTS: WE HAVE SEEN NO PREVIOUS ADVISE OF THIS APPARENT CHANGE OF OEA POLICY AND WOULD APPRECIATE URGENT CLARIFICATION OF POLICY TO BE ABLE TO RESPOND TO INQUIRIES WHICH WILL SURELY FOLLOW FROM OTHER EXPORTERS AND/OR FROM OTHER US AFFILIATES HERE. WOULD APPRECIATE DEPARTMENTS REPLY BEING REPEATED EMBASSY PRETORIA, CONGENS DURBAN AND CAPE TOWN AND CAPE TOWN ALSO FOR EMBASSY. FYI, IN CONVERSATION WITH CONGEN OFFICERS IN JANUARY 1977, CLARKE OUTLINED THE IMPACT OF THE OEA BULK LICENSE SYSTEM - STATE 311791 ON IBM AND AT THAT TIME, HE OPINED THAT THE SAG WOULD STUDY HOW IT COULD OBVIATE ANY FURTHER NEED FOR US COMPUTER EQUIPMENT AS A RESULT OF WHAT CLARKE THEN DESCRIBED AS A PROCEDURAL CHANGE THAT WOULD BE VERY DIFFICULT FOR US FIRMS (SEE CONGEN MEMCON DATED JANUARY 19, 1977: SUBJECT: EXPORT ADMINISTRATION).
KIRBY

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